

### **DETAILED ACTION**

1. This application claims benefit of the provisional application: 60/432,219 with a filing date 12/09/2002.
2. Amendment including addition of claims 5-6 in the amendment filed on February 04, 2008 is acknowledged. Claims 1-6 are pending in the application. No new matter has been found. Since the newly added claims are commensurate with the scope of the invention, claims 1-6 are prosecuted in the case.

### ***EXAMINER'S AMENDMENT***

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Susan Stone Rosenfield on April 02, 2008. The application has been amended as follows:

In claim 4, line 1, after "cancer", insert

--selected from the group consisting of leukemia, pancreatic cancer, breast cancer, central nervous system cancer, lung cancer, colon cancer and prostate cancer, --

Delete claims **3** and **5-6**.

***Reasons for Allowance***

4. Since the limitation of treated caner has been incorporated into claim 4, the rejection of claim 4 under 35 U.S.C. 112, first paragraph has been overcome by the above Examiner's amendment. The administration dose (i.e., *in vivo*) of the instant invention has been found on page 17 of the specification. Since claim 3 has been canceled, the rejection of claim 3 under 35 U.S.C. 112, first paragraph has been obviated herein.

5. Since the provisional rejection of claim 4 under the obviousness-type double patenting over Chang et al. co-pending application No. 11/071,994 is the only remaining rejection, therefore the provisional rejection of claim 4 under the obviousness-type double has been withdrawn herein. Since claim 3 has been canceled, the provisional rejection of claim 3 under the obviousness-type double patenting has been obviated herein.

6. Claims 1-2 and 4 are neither anticipated nor rendered obvious over the art of record, and therefore are allowable. The closest reference is Pettit et al. publication, J. Organic Chemistry, 2001, 66, 2583. The difference between the instant claims and Pettit et al. is that the instant compounds of the formula of claim 1 has not been found. A suggestion for modification of above reference to obtain the instant compounds of the formula of claim 1 and methods of use has not been found. Claims 1-2 and 4 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rei-tsang Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/REI-TSANG SHIAO /

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Art Unit 1626

April 04, 2008

<div><b>Application Number</b></div> <div></div>	<b>Application/Control No.</b>	<b>Applicant(s)/Patent under Reexamination</b>	
	10/537,968	PETTIT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rei-tsang Shiao, Ph.D.	1626	